	<b>TRANSMITTAL LETTER</b> <b>(General - Patent Pending)</b>	Docket No. <b>89190.022003/DP-309241</b>
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In Re Application Of: **Curtis a. Richardson et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/606,850	June 26, 2003	A. Martin	23,469	1745	5766

Title: **PRESSURE CONTROL SYSTEM FOR FUEL CELL GAS SPRING**

TO THE DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE:

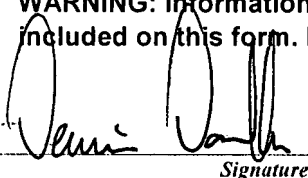
Transmitted herewith is:

**Reply Brief Under 37 C.F.R. Subsection 41.41 (3 pages + 1 duplicate page)**  
**Certificate of Mailing By First Class Mail for the above; and**  
**Acknowledgement Postcards (2).**

in the above identified application.

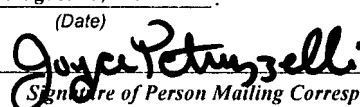
- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **10-0223** as described below.
- ☐ Charge the amount of \_\_\_\_\_
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 \_\_\_\_\_  
*Signature*

Dated: **August 10, 2007**

**Dennis B. Danella, Esq.**  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>August 10, 2007</b> (Date)	
 _____ <i>Signature of Person Mailing Correspondence</i>	
<b>Joyce Petruzzelli</b> _____ <i>Typed or Printed Name of Person Mailing Correspondence</i>	

CC:

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **Curtis A. Richardson et al.**

Docket No.

**89190.022003/DP-309241**

Application No.

**10/606,850**

Filing Date

**June 26, 2003**

Examiner

**A. Martin**

Customer No.

**23,469**

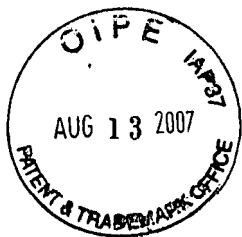
Group Art Unit

**1745**Inventor: **PRESSURE CONTROLS YSTEM FOR FUEL CELL GAS SPRING**I hereby certify that this **Reply Brief Under 37 C.F.R. Subsection 41.41 (3 pages + 1 duplicate page)***(Identify type of correspondence)*

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope

addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**August 10, 2007***(Date)***Joyce Petruzzelli***(Typed or Printed Name of Person Mailing Correspondence)*A handwritten signature in cursive script that reads "Joyce Petruzzelli".  
*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant(s):	Curtis A. Richardson et al.	)	Examiner:	A. Martin
		)		
Serial No.:	10/606,850	)	Art Unit:	1745
		)		
Filed:	June 26, 2003	)		
		)		
For:	PRESSURE CONTROL	)		
	SYSTEM FOR FUEL CELL	)		
	GAS SPRING	)		
		)		

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a reply to the Examiner's Answer mailed June 15, 2007 responding to the Appeal Brief mailed on January 29, 2007.

As set forth in the Appellants' Brief, Appellants submitted that the Kenchington reference is non-analogous art and that it is improper to combine the teachings of the Kenchington reference with the Simpkins reference. See *Appellants' Brief*, pgs. 8-10. In particular, Appellants argued, in part, that the cyclically operated fluid displacement machine disclosed in the Kenchington reference relates to either a reciprocating internal combustion engine (FIG. 1) or an electrically operated engine (i.e., a compressor) (FIG. 4), and is not related to

the same field of endeavor as the present invention (i.e., a fuel cell assembly).

See *id.* at pgs. 8-9. In response to Appellants' position, the Examiner stated that the Kenchington reference is in the same field of endeavor because the internal combustion engine and the compressor in the Kenchington reference and a fuel cell system are both "chemical reactors which produce power and are linked by chemical reactions requiring a constant influx into the chemical chambers." See *Examiner's Answer*, pg. 4.

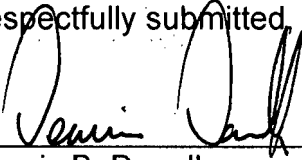
Appellants respectfully submit that the Examiner has established an overly broad definition of the field of endeavor and that one skilled in the art would not been motivated to look to the teachings in the Kenchington reference to solve the problems addressed by the present invention. A fuel cell uses a chemical reaction (introducing elemental hydrogen and oxygen to an electrolytic field) to produce electricity directly as an energy source, while a piston engine uses the chemical reactions (expansion of burning gases) within a combustion chamber to produce work through the movement of a piston. The only linkage between a fuel cell and an internal combustion engine/compressor is that they may both be used in a vehicle as a mode of compulsion, which Appellants believe is not sufficient to conclude that they are in the same field of endeavor.

For this additional reason, and those reasons presented in Appellants' Brief, Appellants submit that the references of record do not teach or suggest all of the limitations disclosed in claims 11-29 and request that the rejection of these claims be reversed.

Appellants do not believe that a fee is due at this time. However, the Commissioner is hereby authorized to charge any fee that may have been overlooked to Deposit Account No. 10-0223.

Respectfully submitted,

Dated: 8/10/07

  
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